

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

AMERIPRISE FINANCIAL SERVICES, INC.  
(F/K/A AMERICAN EXPRESS FINANCIAL  
ADVISORS, INC.),

Plaintiff,

v.

NEIL H. GENDREAU,

Defendant.

**Civil Action No. 4:04-cv-40221**

**PLAINTIFF'S MOTION FOR  
LEAVE TO FILE AFFIDAVIT OF MITCHELL W. GRANBERG UNDER SEAL**

Pursuant to Local Rule 7.2, Plaintiff Amerprise Financial Services, Inc. (f/k/a American Express Financial Advisors, Inc.) ("Amerprise or "AEFA") hereby moves for leave to file the Affidavit of Mitchell W. Granberg, which is being filed in support of Plaintiff's Motion for Entry of Judgment, under seal. Amerprise further requests that the materials be so impounded until further order of the Court.

As grounds therefore, Amerprise states as follows:

(1) The Granberg Affidavit attaches, quotes, and discusses the Settlement Agreement and Stipulation of Judgment ("Settlement Agreement") entered into in the above matter between Amerprise and defendant Neil H. Gendreau ("Gendreau"). The Settlement Agreement provided that it was confidential. Ex. B to Granberg Affidavit, ¶ 6. Although arguably that clause is not implicated by the filing of a motion with the Court to enforce that agreement, in deference to that clause Amerprise has filed the Granberg Affidavit and its attachments under seal, and through the instant motion seeks an order from the Court directing the Clerk's office to maintain those documents under seal.

(2) A complete copy of all pleadings relative to Plaintiff's Motion for Entry of Judgment, including the Granberg Affidavit, has been provided to Gendreau.

(3) Neither party will be prejudiced by the sealing of the Granberg Affidavit; nor will the interests of justice be adversely affected.

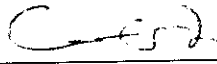
**CONCLUSION**

Plaintiff respectfully requests that this Court order the Clerk's Office to maintain the Affidavit of Mitchell W. Granberg under seal pending further notification from the Court. Ameriprise requests that post-impoundment custody revert to the undersigned counsel for Ameriprise at the address below.

Respectfully submitted,

AMERIPRISE FINANCIAL SERVICES, INC. (F/K/A  
AMERICAN EXPRESS FINANCIAL  
ADVISORS, INC.)

By its attorneys,

  
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-and-


Edward B. Magarian (MN No. 49219)  
Mitchell W. Granberg (MN No. 025687)  
DORSEY & WHITNEY, LLP  
50 South Sixth Street, Suite 1500  
Minneapolis, Minnesota 55402  
(612) 340-2600

DATED: October 6, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the following individual at the address listed below by first class mail on October 6, 2005:

Mr. Neil Gendreau  
415 Boston Turnpike Road, Suite #213  
Shrewbury, MA 01545

  
\_\_\_\_\_  
C. Alex Hahn, Esq.